

# 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LASKEY et al

Atty. Ref.: 620-161

Serial No. 09/922,652

Group:

Filed: August 7, 2001

Examiner:

For: DETECTION OF DYSPLASTIC OR NEOPLASTIC CELLS  
USING ANTI-MCM2 ANTIBODIES

\* \* \* \* \*

March 25, 2002

Assistant Commissioner for Patents

Washington, DC 20231

Adjustment date: 07/05/2002 AKELLEY  
03/27/2002 BNGUYEN1 00000050 09922652  
01 FC:122 Sir: -130.00 OP  
Repln. Ref: 07/05/2002 AKELLEY 0007541600  
DAW:141140 Name/Number:09922652  
FC: 704 \$130.00 CR

PETITION

The applicants petition from the Notice of March 1, 2002 (copy attached) for inclusion of the attached pages 58, 59, 61, 67 and 68 in the above-identified application as the applicants believe the allegedly omitted pages were in fact deposited in the U.S. Patent and Trademark Office with the non-provisional application papers on August 7, 2001. The undersigned's post card receipt is attached as evidence of such deposit and the requisite Petition fee is attached, pursuant to I of the Notice dated March 1, 2002. Grant of the present Petition and refund of the attached Petition fee to the undersigned's Deposit Account are requested.

Beyond the attached post card receipt, the undersigned notes the applicants amended the application on August 7, 2001, by way of the undersigned's cover sheet (as indicated in highlighted yellow in the attached copy of the same), to include

03/27/2002 BNGUYEN1 00000050 09922652

01 FC:122

130.00 OP

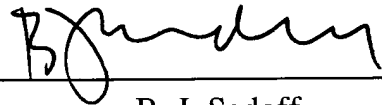
incorporation by reference of the text of the parent application Serial No. 09/175,947 (now U.S. Patent No. 6,303,323), which includes the subject matter of the allegedly omitted pages 58, 59, 61, 67 and 68. Accordingly, submission of the attached replacement pages 58, 59, 61, 67 and 68 merely includes the subject matter which was received, by incorporation by reference, in the U.S. Patent and Trademark Office on August 7, 2001. No new matter has been added.

Grant of the present Petition and return of the attached \$130 Petition fee are requested. The Office is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff

Reg. No. 36,663

BJS:eaw  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-161

LASKEY et al

C# M#

Serial No. 09/922,652

Group Art Unit:

Filed: August 7, 2001

Date: March 25, 2002

Title: DETECTION OF DYSPLASTIC OR NEOPLASTIC CELLS USING ANTI-MCM2 ANTIBODIES

Assistant Commissioner for Patents  
Washington, DC 20231



Sir:

**RESPONSE/PETITION**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0 x \$ 84.00	\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)	\$ 0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)	\$ 0.00
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☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
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☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other: Copy of pages 58, 59, 61, 67 and 68 of specification; copy of post card receipt of August 7, 2001; copy of Notice dated March 1, 2002; copy of Filing Cover Sheet of August 7, 2001; Petition and Fee	130.00
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**TOTAL FEE ENCLOSED \$ 130.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
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Facsimile: (703) 816-4100  
BJS:eaw

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LASKEY et al

Atty. Ref.: 620-161

Serial No. 09/922,652

Group:

Filed: August 7, 2001

Examiner:

For: DETECTION OF DYSPLASTIC OR NEOPLASTIC CELLS  
USING ANTI-MCM2 ANTIBODIES

\* \* \* \* \*

March 25, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE**

Responsive to the Notice of Omitted Items dated March 1, 2002, attached is a copy of pages 58, 59, 61, 67 and 68 of the specification which the Notice indicates were not received by the Patent Office with the originally filed application. Also attached is a copy of the undersigned's postcard receipt indicating that 88 pages of the specification were received by the Patent Office on August 7, 2001. The undersigned notes that the application is numbered from page 1 to 88 with numbering across the top margin. The application was believed to have been received by the Patent Office in full. A copy of the indicated pages is attached. Moreover, the undersigned notes the specification was amended on the undersigned's cover sheet of August 7, 2001, to include an indication that the prior application (Serial No. 09/175,947 (now U.S. Patent No. 6,303,323)) was incorporated by reference. Accordingly, the addition of the attached pages 58, 59, 61, 67

and 68 is believed to be merely the addition of subject matter as if it were filed on August 7, 2001.

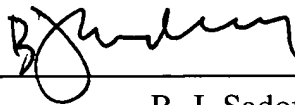
Acceptance of the attached and entry of the same into the above-identified application and issuance of an early and favorable Action on the merits are requested.

Attached is a Petition and \$130 Petition fee as indicated are required under I of the Notice dated March 1, 2002, as the applicants contend that the above-noted omitted items were in fact deposited in the U.S. Patent and Trademark Office with the non-provisional application papers. A copy of the Notice is attached and the attached postcard receipt is submitted as evidence that these papers were deposited in the U.S. Patent and Trademark Office on August 7, 2001. Refund of the Petition fee and grant of the attached Petition are requested. The Office is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

BJS:eaw  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

DW of 09/175 947  
Serial No.: 1353  
Applicant: Laskey Ltd  
Title: *Method of Dep. Plastic  
or Neo plastic...*

Atty: 1353  
Date: 8/27/07  
Client: 620,161  
Ref: 620,161

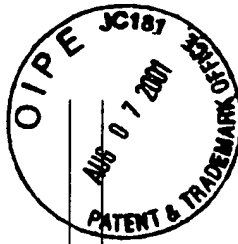
☒ Amendment *Paul*  
Pages Specification 83  
Claims 22

Sheets Drawings: Formal         
Informal         
Declaration ( 1 Pages)

Assignment         
Priority Document       

Base Issue Fee Transmittal 74/6  
Fee (Check)       

Other: *Regreen; letter; Paper Copy of  
Sequence to try; Additional Cleaner*



Assistant Commissioner for Patents  
Washington, D.C. 20231

Atty. Dkt.: 620-161

Date: August 7, 2001

Sir:

Attached for filing is the patent application

Inventor: Laskey et al

Entitled: DETECTION OF DYSPLASTIC OR NEOPLASTIC CELLS USING ANTI-MCM2 ANTIBODIES

and including attachments as noted below:

- ☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☒ Abstract  
87 pages of specification and claims (including 87 numbered claims), and  
0 sheets of accompanying drawing/s.  
☐ Record the attached assignment and return to the undersigned.  
☐ Attached is a Power of Attorney.  
☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
9722217.8	Great Britain	21 October 1997
9724134.3	Great Britain	14 November 1997
9804156.9	Great Britain	26 February 1998
9810560.4	Great Britain	15 May 1998
9817075.6	Great Britain	5 August 1998

, respectively, the entire content of which is hereby incorporated by reference in this application..

- ☐ Certified copy(ies) of foreign application(s) is/are attached.  
☒ Certified copy(ies) filed on October 21, 1998 in prior appln. no. 09/175,947 filed October 21, 1998  
☒ Please amend the specification by inserting the following paragraph before the first line: --This is a divisional application of Serial No. 09/175,947 (allowed) which was filed October 21, 1998, this application claims the benefit of U.S. Provisional Application Nos. 60/071,245, 60/086,885 and 60/095,966, filed 22 December 1997; 27 May 1998; and 10 August 1998, respectively, the entire contents of which are hereby incorporated by reference in this application.--  
☐ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☐ continuation/☐ division/☐ continuation-in-part of Application No.                     , filed                     , the entire content of which is hereby incorporated by reference in this application.--  
☐ Petition filed in prior application to extend its life to insure co-pendency.  
☒ The prior application is assigned to Cancer Research Campaign Technology Limited.  
☒ It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached and return of an initialed copy of the attached PTO-1449 Form, pursuant to MPEP §609, is requested.  
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.  
☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

- ☒ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☒ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☒ Other: Request  
**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	22 - 20 (at least 20) = 2	x \$ 18.00	\$ 36.00
Independent claims	2 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)		\$	0.00
		<b>SUBTOTAL</b>	\$ 746.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$ (	0.00)
		<b>SECOND SUBTOTAL</b>	\$ 746.00
Assignment Recording Fee (\$40.00)		\$	0.00
		<b>TOTAL FEE ENCLOSED</b>	\$ 746.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
JS:ew

NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36.663

Signature: 



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/922,652	08/07/2001	Ronald A. Laskey	620-161

CONFIRMATION NO. 9664

## FORMALITIES LETTER



\*OC000000007562351\*

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

Date Mailed: 03/01/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 58, 59, 61, 67 & 68 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.



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*A copy of this notice MUST be returned with the reply.*

2/2  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4/24/02</u>		2 Serial/Patent # <u>09/922,652</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
X	Petition	7	3/25/02	\$ 130.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130.00							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	X	Credit Deposit A/C #:								
	Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">0</td> </tr> </table>		1	4	--	1	1	4	0
1	4	--	1	1	4	0					
X	No Fee Due (Explanation): <u>Filing Date Grant</u>										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>NANCY JOHNSON</u>			TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>Nancy Johnson</u>			PHONE: <u>703-305-0309</u>								
OFFICE: <u>Petitions, 4700</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>Alicia Kelly</u>			DATE: <u>7/5/02</u>								

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*